

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LINDA HAMMELL, Plaintiff, Individually and as Executrix and Executrix ad Prosequendum of the Estate of Arthur Hammell,

Plaintiffs,

v.

AIR & LIQUID SYSTEMS CORPORATION, et al.,

Defendants.

Civil Action No. 14-13 (MAS) (TJB)

ORDER

This matter comes before the Court on motions filed by Foster Wheeler LLC (“Foster Wheeler”) and CBS Corporation (“Westinghouse”) (collectively, “Defendants”), specifically: (i) Foster Wheeler’s motion for an Order staying the proceedings in this case pending the United States Supreme Court’s consideration of the petition for a writ of certiorari in *In re Asbestos Products Liability Litigation (No. IV)*, 2017 WL 4366866 (3d Cir. Oct. 3, 2017) (“*DeVries*”), or alternatively, for summary judgment based on the bare-metal doctrine as analyzed by the *DeVries* court (ECF No. 302); and (ii) Westinghouse’s motion for an Order staying the proceedings in this case pending the United States Supreme Court’s consideration of the petition for a writ of certiorari in *DeVries*, or alternatively, for summary judgment based on the bare-metal doctrine as analyzed by the *DeVries* court and on the government contractor defense (ECF No. 303). Linda Hammell, Plaintiff, Individually and as Executrix and Executrix ad Prosequendum of the Estate of Arthur Hammell (collectively, “Plaintiffs”), filed opposition (ECF No. 304), and Defendants did not file replies.

The Court heard oral argument on the motions on February 14, 2018. (ECF No. 317.) During oral argument, Plaintiffs' counsel argued that Defendants' request for a stay was premature based on the "odds of getting a grant to a petition for writ of certiorari to the United States Supreme Court." (Rough Tr. of 2/14/18 Hr'g 19:15-18.) Plaintiffs' counsel further argued that "if a grant for certiorari comes down . . . then the Court can revisit the issue of a stay at that point." (*Id.* at 19:24-20:1.) On May 14, 2018, the United States Supreme Court granted certiorari to consider the issues presented in *DeVries*. The Court, therefore, finds good cause to enter a stay in this matter. Accordingly,

IT IS on this 16th day of May 2018, ORDERED that:

1. Defendants' motions for a stay (ECF Nos. 303, 304) are granted. This matter is stayed and administratively terminated pending the United States Supreme Court's consideration of the issues presented in *DeVries*.
2. The parties shall e-file correspondence within seven days of the Supreme Court's decision in *DeVries* at which time the Court will enter an appropriate order.

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MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE